

MONTANA LEGISLATIVE HISTORY

Chapter 154 1953

Bill H _____ S 97 Original bill & history C

H. Committee on Townships & Counties

Hearing Date(s) _____ C

The minutes for
this committee are
non-existent.

Date Out _____ C

S. Committee on County Affairs

Hearing Date(s) Feb 03 ✓ C

• Feb 14 ✓ C

Feb 17 ✓ C

_____ C

Feb 17 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

SENATE COMMITTEE ON COUNTY AFFAIRS

FEBRUARY 14th, 1953

The meeting was called to Order by Chairman Busch - in Room 423 at 12:45 P. M. Present were Busch, Brenner, Robins, Moritz, Hofland, Keller and McCabe. Absent were Hatch and Grandey.

Discussion was had on Senate Bill 145 and on motion of Robins, which was seconded by McCabe, it was moved that Senate Bill 145 do not pass.

Senate Bill 97 was discussed and amendments to be made were read by Robins and discussed. Brenner moved the adoption of the amendments to Senate Bill 97 be made, which was seconded by Keller. It was moved and seconded that Senate Bill 97, as amended do pass. Motion carried.

House Bill No. 149, was discussed and Representative Smith of the House (Lewis & Clark County) talked on the bill, as well as Senator Hibbs. Mr. Hegman, County Commissioner from Yellowstone and Mr. E. F. English, State Chairman of the Legislative Committee of the Brotherhood of Railway and Steamships, also made a few remarks. Following the discussion, Brenner made a motion that House Bill 149 be concurred in, which motion was seconded by Robins, and the motion carried.

Gene Kelley, Deputy Commissioner of Insurance of the State of Montana, gave a discussion on House Bill No. 152 and suggested amendments to the bill. Following the discussion, a motion was made by Brenner and seconded by Robins, that House Bill 149 be amended. Motion carried.

House Bill 136 was next up for discussion. Mr. Hegman, County Commissioner of Yellowstone and Mr. Edwards, Secretary of the Montana County Commissioners Association spoke on the bill. A motion was made by Robins, that House Bill No. 136 be not concurred in, which motion was seconded by Hofland, and the motion carried.

It was moved by Brenner and seconded by Keller that the meeting adjourn. Motion carried.


Chairman

SENATE COMMITTEE ON COUNTY AFFAIRS

FEBRUARY 3rd, 1953

1:15 P.M.

Meeting was called to order by Chairman Busch, and the Secretary called the roll. Present were Busch, Brenner, Robins, Moritz, Grandey, Hofland, Keller and McCabe. Senator Hatch was absent.

Senate Bill No. 106 came up for discussion and Senator Cotton, one of the authors of the bill appeared before the meeting and explained the bill. Attorney Haughey of Billings also appeared, as a representative of the railroads. Mr. Edwards, representing the County Commissioners' Association was also present and made a few remarks. A motion was made by Senator McCabe that action on the bill be deferred until the railroads could have time to appear.

After discussion on Senate Bill No. 126 it was moved by Senator Grandey and seconded by Senator McCabe that Senate Bill No. 126 do pass.

Discussion was had on Senate Bill No. 107 and it was moved by Senator Moritz and seconded by Senator Keller that it do pass.

Senate Bill No. 164 was discussed and Senator Hofland made a motion seconded by Brenner, that Senate Bill 164 do pass.

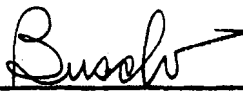
After discussion on Senate Bill No. 145 it was moved by Senator Hofland and seconded by Senator McCabe that said bill do pass.

Discussion on House Bill No. 118 was had and it was moved by Senator Hofland and seconded by McCabe that House Bill No. 118 be concurred in.

Senator Robins was excused from the meeting to attend to other matters.

Senate Bill No. 97 came up for discussion and Attorney William Brown, appearing for the Montana Municipal League explained the bill, and it was moved by Senator Brenner that Senate bill No. 97 be amended, in line 26, after the word "appropriated" by inserting the word "annually", and which was seconded by Senator Robins, who was able to return to the meeting.

Senator Moritz moved that the meeting be adjourned, which was seconded by Senator Hofland.


Chairman

SENATE COMMITTEE

ON COUNTY AFFAIRS

February 17, 1953

The meeting of the Committee on County Affairs was called to order by the Chairman Senator Busch in Room 401 of the Capitol Bldg. at 2:00 P.M.

The Secretary called the roll and the following members were present: Senators Busch, Brenner, Robins, Moritz, Grandey, Hofland.

Senate Bill No. 97 relating to the Appointment of County Planning Commissions which had been previously passed in the committee, was amended as follows:

"Amend the amendment to Senate Bill No. 97 dated February 15, 1953, as follows:

On Line 2, change the third word "for" to "from"

On Line 3, following the word "exceed" insert the word and figure "one (1)" and change the word "mills" to "mill"

Senator Robins made a motion that the amendment to Senate Bill No. 97, as indicated above, be passed. Senator Brenner seconded the motion, which was then voted on and passed.

House Bill No. 319 was then discussed by the committee.

Mr. J. F. Emigh, an attorney from Butte, Montana, spoke on behalf of the proponents of House Bill No. 319. Mr. Emigh said the bill is to amend the State Statute allowing counties of the third class authority for enough deputies, of which Silverbow is the only one.

Mr. Clayton Maxwell, representing the Silverbow Volunteer Firemen's Council appeared before the committee, in favor of the bill. Mr. Maxwell said that their organization was made up of 12 Volunteer Fire Departments in the immediate area of Butte, and they represented from 15,000 to 18,000 homes. He said that with the reduced force in the Sheriff's Office, they had no protection of any kind.

Mr. Gene W. Daily, a County Commissioner from Silverbow County spoke briefly on behalf of the bill. He explained the problem created by the bringing in of foreigners to work in the mines. He said that there were several towns, which he named, in what is known as Greater Butte, which is actually outside the City Limits, which needed protection.

Mr. Emigh mentioned that some people have tried to get the citizens of Greater Butte to vote to become a part of the city, but they couldn't get enough votes.

Mr. W. L. Dowling, the Sheriff from Silverbow County appeared before the committee on behalf of House Bill No. 319. He said they would appreciate anything the committee could do to help.

ifically permitted by this section are being hereby declared contraband and shall be seized by the state fish and game warden, deputy or other officer authorized to enforce the provisions of this act. All skins so seized shall be marked or tagged for identification and sold by the state fish and game warden at public auction in the State of Montana, after advertising at least fifteen (15) days prior to the date of sale, and the proceeds therefrom turned into the state treasury to be credited to the fish and game fund.

Permit
expiration
dates.

Beaver trapping permits issued under the provisions of this act shall expire May first (1st) of each year and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to June first (1st) following, shall be subject to seizure and sale as herein provided."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1953.

CHAPTER 154

An Act Providing for the Appointment of County Planning Commissions, Prescribing the Powers, Duties, and Financing Thereof; Providing for Zoning, Land Regulations and Subdivisions Controls and Defining the Limits Thereof; Providing for Building Permits; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of
county plan-
ning and zon-
ing districts,
commissions.

Section 1. Whenever the public interest or convenience may require, and upon petition of sixty per centum (60%) of the free holders affected thereby, the board of county commissioners is hereby authorized and empowered to order and create a planning and zoning district, and to appoint a commission consisting of five (5) members. The commission is to consist of the three (3) county commissioners, the county surveyor and the county assessor. Members of the commission shall serve without compensation other than reimbursement for duly authorized expenses, and shall be residents of the county in which they serve. The commission hereby is authorized to appoint necessary

employees and fix their compensation with the approval of the board of county commissioners, to select a chairman to serve for one (1) year, to appoint a secretary who shall keep permanent and complete records of its proceedings, and to adopt rules governing the transaction of its business. The finances necessary for the transaction of the planning and zoning commission's business and to pay the expenses of employees and justified expenses of the members of the board shall be paid from a levy of not to exceed one (1) mill on the taxable valuation of the real property within such district.

Financing
of levy.

Section 2. For the purpose of furthering the health, safety and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district. Such development pattern, with the accompanying maps, plats, charts and descriptive matter, shall show the planning and zoning commission's recommendations for the development of the districts, within some of which it shall be lawful and with others of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades, industries or callings, or within which the height and bulk of future buildings and the area of the yards, courts and other open spaces and the future uses of the land or buildings shall be limited and future building set backlines shall be established. No planning district or recommendations adopted under this act shall regulate lands used for grazing, horticulture, agriculture or for the growing of timber; providing that existing non-conforming uses may be continued, although not in conformity with such zoning regulations.

Powers and
duties of
commission.

Section 3. Adoption by the planning and zoning commission of the development district, or any change therein, may be in whole or in part, but must be by the affirmative vote of the majority of the whole commission, provided, however, that prior to any such adoption a public hearing shall have been held not less than fifteen (15) days after notice thereof shall have been posted in at least three (3) public places within the area affected. The resolution adopting the district or any part or parts covering one or more of the functional elements which may be included

Development
districts —
how adopted
or changed.

within the district, shall refer expressly to the maps, charts and descriptive matters forming the pattern or part thereof; provided that the board of county commissioners shall have the power to authorize such variance from the recommendations of the planning commission as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the decision of the planning and zoning commission will result in unnecessary hardship.

Power to investigate — cooperation of public officials.

Section 4. The planning and zoning commission, and any of its members, officers and employees in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers thereon. In general, the planning and zoning commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and to carry out the purposes of this act. All public officials, departments and agencies, having information, maps, and data deemed by the commission pertinent to county planning are hereby empowered and directed to make such information available for the use of the county planning and zoning commission.

Preparation of resolutions, regulations, county commission may adopt.

Section 5. The planning and zoning commission may, for the benefit and welfare of the county, prepare and submit to the board of county commissioners, drafts of resolutions for the purpose of carrying out the development districts, or any part thereof, previously adopted by the commission, including zoning and land use regulations, the making of official maps and the preservation of the integrity thereof, and including procedure for appeals from decisions made under the authority of such regulations, and regulations for the conservation of the natural resources of the county, and the board of county commissioners is hereby authorized to adopt such resolutions; provided that any person aggrieved by any decision of the commission or the board of county commissioners, may, within thirty (30) days after such decision or order, appeal to the district court in the county in which the property involved, is located. The planning and zoning commission hereby is empowered to authorize and provide for the issuance of permits as a prerequisite to construction, alteration or enlargement of any building or structure otherwise

Appeal.

subject to the provisions of this act, and may establish and collect reasonable fees therefor. The fees so collected are to go to the general fund of the county.

Section 6. The authority heretofore granted by law to the incorporated communities to approve subdivision plats within the unincorporated area adjacent to their corporate limits is not abrogated by this act except and until the board of county commissioners having jurisdiction over such adjacent area establish a planning commission, and adopt initial regulations for subdivision control within adjacent areas or districts. Authority of the adjacent municipality shall be suspended on the effective date of the county regulation with respect to all areas governed by county subdivision regulations.

Incorporated communities' authority over adjacent areas retained until commission formed.

Section 7. For the purposes of this act the word district shall mean any area that consists of one (1) square mile or more.

Definition of district.

Section 8. In the event that any clause or provision of this act shall be declared unconstitutional, the remaining parts of this act shall remain in full force and effect.

Severability.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1953.

CHAPTER 155

An Act Authorizing the Creation and Establishment of Public Hospital Districts; Relating to the Territory That May be Included Within Any Such District; Providing Procedures for the Creation of Such Districts Upon Petition to the Board of County Commissioners of Any County; and for Elections Upon the Question of Creating Such Districts; Prescribing the Qualifications of Petitioners for the Creation of Such Districts and Requiring Persons Voting at Elections for the Creation of Such District to be Taxpayers Upon Property Within Such Districts; Defining the Powers of Such Districts; Providing for the Management of Such Districts by a Board of Trustees, and for the Administration of the Funds of Such Districts by Such Board of Trustees; and Providing Procedures for Annexation of Additional